

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

KILIPATRICK TAYLOR,

Plaintiff,

v.

Case No. SA-22-CV-01241-JKP

**187TH DISTRICT COURT, BEXAR
COUNTY; ARRESTING OFFICER,
STATE TROOPER, AGENCY OF
TEXAS; AND ARRESTING OFFICER,
BEXAR COUNTY, TEXAS,**

Defendants.

**ORDER ACCEPTING REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is Magistrate Judge Elizabeth S. Chestney's Report and Recommendation addressing Plaintiff Kilipatrick Taylor's Motion for Leave to Proceed In Forma Pauperis and Amended Complaint to address the Court's jurisdictional and factual concerns about his claims. *ECF Nos. 1,3,6,7.* The Court withheld service pending the filing of a More Definite Statement regarding the claims. *See id.* Magistrate Judge Chestney now recommends this Court dismiss Taylor's case pursuant to 28 U.S.C. § 1915(e). *ECF No. 7.*

Taylor did not file an objection to the Report and Recommendation, and the time for doing so expired.

Legal Standard

Any party who seeks review of all or a portion of a Magistrate Judge's Report and Recommendation must serve and file specific written objections within fourteen days after being

served with a copy. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). If a party does not timely object to all or a portion of a Magistrate Judge's Report and Recommendation, the District Court will review the unobjected-to proposed findings and recommendations to determine whether they are clearly erroneous or contrary to law. *Johnson v. Sw. Research Inst.*, 210 F. Supp.3d 863, 864 (W.D. Tex. 2016)(citing *U.S. v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.)(per curiam), *cert. denied*, 492 U.S. 918 (1989).¹

Consistent with this authority, the Court reviews Magistrate Judge Elizabeth S. Chestney's Report and Recommendation. See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2).

Magistrate Judge's Report and Recommendation

Taylor's proposed Complaint names three Defendants—the 187th District Court of Bexar County and two unnamed arresting officers (one a State Trooper and the other a Bexar County officer from the Bexar County Jail). *ECF No. 4, at 1*. The Amended Complaint also names the Bexar County, Texas Jail. *ECF No. 6, at 1*. Taylor's pleadings, taken together, allege State District Judge Stephanie Boyd violated his constitutional rights by denying his Motion to Dismiss Counsel and by rejecting his Motion for Discovery of police body camera. *ECF No. 4, at 6*. Taylor asks the Court to supervise the state court proceedings and rulings to ensure there is no corruption. *ECF No. 6 at 2*. Taylor alleges the unnamed arresting officers and Bexar County jail took his personal property, specifically, his birth certificate, social security card, earphones, and other legal personal documents. *ECF No. 6, at 3–4*.

¹ While Federal Rule 72(b) does not facially require any review in the absence of a specific objection, the advisory committee notes following its adoption in 1983 state: "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Further, failure to object shall also bar appellate review of those portions of the Magistrate Judge's Report and Recommendation that were ultimately accepted by the district court, unless the party demonstrates plain error. *Thomas v. Arn*, 474 U.S. 140, 150–53 (1985); *United States v. Wilson*, 864 F.2d at 1221.

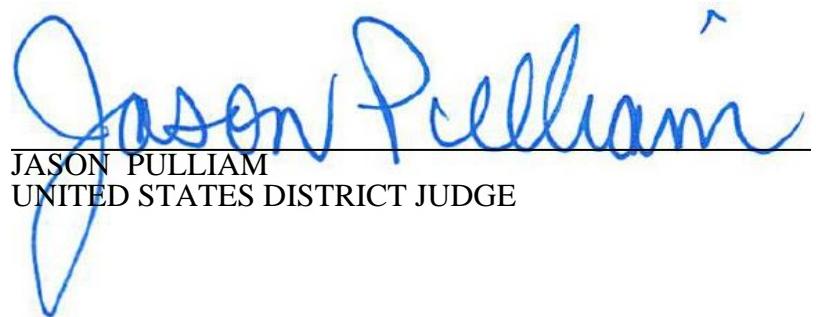
Magistrate Judge Chestney recommends that because Taylor seeks to sue Judge Boyd for acts taken in her judicial capacity, his claims against the Bexar County Court and Judge Boyd should be dismissed as barred by the judicial immunity doctrine. Magistrate Judge Chestney recommends this Court lacks jurisdiction over Taylor's claims regarding the return of his seized property by local law enforcement, and these claims should be filed in state court. Magistrate Judge Chestney recommends Taylor's case be dismissed for failure to state a claim and for lack of jurisdiction pursuant to Section 1915(e).

Conclusion

Having reviewed the Report and Recommendation for clear error on the face of the record, this Court finds no such error. Accordingly, the Court **ACCEPTS** Magistrate Judge Elizabeth S. Chestney's findings and recommendation and **ADOPTS** the Report and Recommendation. As recommended, the Court dismisses Taylor's case for failure to state a claim and for lack of jurisdiction pursuant to 28 U.S.C. § 1915(e). The Court will issue an appropriate final judgment by separate filing.

It is so ORDERED.

SIGNED this 9th day of January, 2023.



JASON PULLIAM
UNITED STATES DISTRICT JUDGE